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BEVERLY FRANKIE
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85304

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

REVISION OF DIVISION ASSIGNMENTS,
REVISION OF CALENDAR ASSIGNMENTS,
AND REVISION OF CASE ASSIGNMENTS
FOR THE SUPERIOR COURT IN
YUMA COUNTY, ARIZONA

Administrative Order

NO. 2006-09

This Administrative Order supersedes and take the place of Administrative Order No. 2005-07 filed August 31, 2005, Administrative Order No. 2005-11 filed December 22, 2005, and Administrative Order 2006-01 filed March 13, 2006.

The Superior Court in Yuma County wants to maintain its effective caseload management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, reciprocal, juvenile, probate, mental health, adoption, and other proceedings among the different Divisions of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective January 1, 2007, and until further order of the Presiding Judge, the following assignments are made for the Judges and Commissioners of the Yuma County Superior Court:

(1) Tom C. Cole is assigned to Division One;

- (2) John N. Nelson is assigned to Division Two;
- (3) Richard W. Donato is assigned to Division Three;
- (4) Andrew W. Gould is assigned to Division Four;
- (5) John Paul Plante is assigned to Division Five;
- (6) Larry Kenworthy is assigned to Division Six;
- (7) Kathryn Stocking-Tate is assigned as Commissioner One (formerly referred to as Division Seven); and
- (8) Denise D. Gaumont is assigned as Commissioner Two (formerly referred to as Division Eight).

IT IS FURTHER ORDERED effective January 1, 2007, and until further order of the Presiding Judge:

- (1) All cases currently assigned to the Honorable Tom C. Cole, Division One, shall continue to be assigned to the Honorable Tom C. Cole, Division One;
- (2) All cases currently assigned to the Honorable Mark Wayne Reeves, Division Two, shall be assigned to the Honorable John N. Nelson, Division Two;
- (3) All cases previously assigned to the Honorable Thomas A. Thode, Division Three, and currently assigned to the Honorable Richard W. Donato, Division Three, shall continue to be assigned to the Honorable Richard W. Donato, Division Three;
- (4) All cases previously assigned to the Honorable Philip L. Hall, Division Four, and currently assigned to the Honorable Andrew W. Gould, Division Four, shall continue to be assigned to the Honorable Andrew W. Gould, Division Four;
- (5) All cases currently assigned to the Honorable John N. Nelson, Division Five, shall be assigned to the Honorable John Paul Plante, Division Five, unless retained by the Honorable John N. Nelson under separate order;
- (6) All cases currently assigned to the Honorable Denise D. Gaumont, Division Six, shall be assigned to the Honorable Larry Kenworthy, Division Six, unless retained by the Honorable Denise D. Gaumont under separate order;
- (7) All cases currently assigned to the Honorable John Paul Plante, Division Seven, shall be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, unless retained by the Honorable John Paul Plante under separate order; and

1 (8) Excepting IV-D Child Support cases, all cases currently assigned
2 to the Honorable Kathryn Stocking-Tate, Division Eight, shall be
3 continue to be assigned to the Honorable Kathryn Stocking-Tate,
Commissioner One; and

4 (9) All IV-D Child Support cases currently assigned to the Honorable
5 Kathryn Stocking-Tate, Division Eight, shall be assigned to
6 the Honorable Denise D. Gaumont, Commissioner Two, unless
retained by the Honorable Kathryn Stocking-Tate under separate
order.

7 Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered
8 to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in
9 paragraphs numbered (1) and (2) below.

10 IT IS FURTHER ORDERED that these felony criminal complaints shall continue to be
11 assigned as follows:

12 (1) The first felony complaint filed on Monday, May 7, 2001 shall
13 be assigned to Division One. Thereafter, each felony complaint
14 filed shall be assigned to the next sequentially numbered Division,
e.g., Division Two, then Division Three, then Division Four, and
starting over again with Division One.

15 (2) Fugitive felony complaints shall not be assigned to a Superior
Court Division.

16 In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one
17 complaint per defendant in Justice Court which resulted in co-defendants being assigned to
18 separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same
19 Superior Court Division:

20 IT IS ORDERED that effective January 1, 2007, and until further order of the Presiding
21 Judge, all felony criminal complaints filed in Justice Court shall continue to be assigned to a
22 Superior Court Division as set forth above, and that co-defendant cases shall continue to be
23 assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma
24 County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints
25 when filing co-defendant cases in Justice Court.

26 IT IS FURTHER ORDERED that if a criminal case originates in a manner other
27 than by way of a felony complaint being filed in Justice Court, such as by way of a Direct
28 Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall

1 continue to assign those cases as follows:

- 2 (1) All numbered cases, the last two digits of which number when
3 divided by four (4) result in a remainder of one (1), to Division One;
- 4 (2) All numbered cases, the last two digits of which number when
5 divided by four (4) result in a remainder of two (2), to Division Two;
- 6 (3) All numbered cases, the last two digits of which number when
7 divided by four (4) result in a remainder of three (3), to Division Three;
- 8 (4) All numbered cases, the last two digits of which number when
9 divided by four (4) result in a remainder of zero (0), to Division Four.

10 IT IS FURTHER ORDERED that all pleadings, minutes entries, notices and orders filed
11 by an interested party in a Superior Court case shall reflect, immediately beneath the case
12 number, the Division number to which the case has been assigned.

13 IT IS FURTHER ORDERED that all pending criminal cases with warrants outstanding
14 that are currently assigned to a judge other than those designated in Divisions One through Four
15 above, shall be assigned to divisions according to the numbering system set forth above and
16 made a part of this administrative order for criminal cases.

17 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
18 sentenced by a judge who is active and sitting as designated in Divisions One through Four
19 above, shall be assigned to that judge. Such assignment shall include, but not be limited to,
20 petitions for violation of probation, petitions for restoration of civil rights, and petitions to
21 modify conditions of probation.

22 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
23 sentenced by a judge who is active and sitting as designated in Divisions One through Six
24 above, or in the Commissioner One or Commissioner Two position, shall be assigned to that
25 judge for all petition for post-conviction relief proceedings.

26 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
27 sentenced by a judge other than those designated in Divisions One through Four above,
28 shall be assigned to divisions according to the numbering system set forth above and made a part
of this administrative order for criminal cases. Such assignment shall include, but not be limited
to, petitions for violation of probation, petitions for restoration of civil rights, petitions to modify

1 conditions of probation, and petitions for post-conviction relief.

2 IT IS ORDERED that effective with cases filed beginning January 1, 2007, and until
3 further order of the Presiding Judge, all civil cases shall continue to be assigned as follows:

- 4 (1) All numbered cases, the last two digits of which number when divided by four (4)
5 result in a remainder of one (1), to Division One;
- 6 (2) All numbered cases, the last two digits of which number when divided by four (4)
7 result in a remainder of two(2), to Division Two;
- 8 (3) All numbered cases, the last two digits of which number when divided by four (4)
9 result in a remainder of three (3), to Division Three;
- 10 (4) All numbered cases, the last two digits of which number when divided by four (4)
11 result in a remainder of zero (0), to Division Four.

12 IT IS ORDERED that effective with cases filed beginning January 1, 2007, and until
13 further order of the Presiding Judge:

- 14 (1) All "election contest" cases shall continue to be assigned to
15 Division One; and
- 16 (2) Any "election contest" cases filed prior to January 1, 2007, that come
17 before the court for hearing or review after January 1, 2007, shall
18 continue to be automatically reassigned to Division One; and
- 19 (3) Division One of the Superior Court in Yuma County is hereby
20 designated the "election division" of the Superior Court in Yuma
21 County.

22 IT IS ORDERED that effective with cases filed beginning January 1, 2007, and until
23 further order of the Presiding Judge:

- 24 (1) All mental health cases shall continue to be assigned to Division Three; and
- 25 (2) Any mental health cases filed prior to January 1, 2007, that come before the court
26 for hearing or review after January 1, 2007, shall continue to be automatically
27 reassigned to Division Three.

28 IT IS ORDERED that effective with cases filed beginning January 1, 2007, and until
further order of the Presiding Judge:

- (1) All civil cases where a petition has been filed seeking an order of the court to
detain a person as a Sexually Violent Person pursuant to the Sexually Violent
Persons Act, A.R.S. §§36-3701 through 36-3716, shall continue to be assigned to
Division Three; and
- (2) Any civil cases where a petition has been filed prior to January 1, 2007,
seeking an order of the court to detain a person as a Sexually Violent
Person pursuant to the Sexually Violent Persons Act, A.R.S. §§36-3701 through

1 36-3716, that come before the court for hearing or review after January 1, 2007,
2 shall continue to be automatically assigned to Division Three.

3 IT IS ORDERED that effective with cases filed beginning January 1, 2007, and until
4 further order of the Presiding Judge:

- 5 (1) All adoption cases shall be assigned to Commissioner One; and
6 (2) Any adoption cases filed prior to January 1, 2007, that come before the court for
7 hearing or review after January 1, 2007, shall be automatically reassigned to
8 Commissioner One.

9 IT IS ORDERED that effective with cases filed beginning August 15, 2003, and until
10 further order of the Presiding Judge:

- 11 (1) All probate cases shall continue to be assigned on a rotation basis
12 to Division Two and Division Three with all even
13 numbered cases being assigned to Division Two, and
14 all odd numbered cases being assigned to Division Three; and
15 (2) Any probate cases filed prior to August 15, 2003,
16 shall remain assigned to Commissioner One.

17 IT IS ORDERED that effective with cases filed beginning August 15, 2003, and
18 until further order of the Presiding Judge:

- 19 (1) All guardianship and conservator cases shall continue to be assigned
20 on a rotation basis to Division Two and Division Three, with
21 all even numbered cases being assigned to Division Two, and all
22 odd numbered cases being assigned to Division Three; and
23 (2) Any guardianship and conservator cases filed prior to
24 August 15, 2003, shall remain assigned to Commissioner One.

25 IT IS ORDERED that all cases in the Juvenile Division of the Yuma Superior
26 Court shall continue to be assigned to Division Five.

27 IT IS ORDERED that all cases of the Adult Drug Court shall continue to be assigned to
28 Division One and Division Four.

 IT IS ORDERED effective with cases filed beginning January 1, 2007, and until
further order of the Presiding Judge, that all domestic relations cases shall be assigned on a
rotation basis to Division Six and Commissioner One, with all even numbered cases being
assigned to Division Six and all odd numbered cases being assigned to Commissioner One,
except as follows:

- 1 (1) that effective with cases filed beginning January 1, 2007, and until further order of
2 the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona
3 Attorney General's Office shall continue to be assigned to Commissioner Two;
4 and
- 5 (2) that any Title IV(D) child support actions initiated by the Arizona Attorney
6 General's Office filed prior to January 1, 2007, that come before the court for
7 hearing on January 1, 2007, and after, shall continue to be assigned to
8 Commissioner Two; and
- 9 (3) that any Title IV(D) cases assigned under a) & b) above, that come before the
10 court for hearing on some issue other than child support, shall continue to be
11 reassigned to Division Six and Commissioner One for those contested issues.
12 These hearings would include, but not be limited to, a visitation issue, a custody
13 issue, or a change of custody issue.

14 IT IS ORDERED beginning January 1, 2007, Commissioner Two shall hear cases for the
15 Juvenile Division of the Superior Court all day on Mondays, all day on Tuesdays, and on
16 Wednesday mornings; further, that she shall hear cases for the Superior Court on Wednesday
17 afternoons, all day on Thursdays and all day on Fridays.

18 IT IS ORDERED effective January 1, 2007, and until further order of the Presiding
19 Judge, Commissioner Two shall hear all domestic relations default actions on Wednesdays
20 commencing at 2:00 p.m.

21 IT IS ORDERED effective January 1, 2007, and until further order of the Presiding
22 Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office
23 shall be heard by Commissioner Two on Thursdays commencing at 8:30 a.m.

24 IT IS ORDERED effective January 1, 2007, and until further order of the Presiding
25 Judge, Commissioner Two shall hear an order of protection calendar on Fridays commencing at
26 8:30 a.m. Commissioner Two will set as many hearings as time allows. Any hearings that
27 Commissioner Two is not able to handle due to time constraints or calendar conflicts will be set
28 before the division to whom they are assigned.

IT IS ORDERED effective January 1, 2007, and until further order of the Presiding
Judge, all Arraignments shall be heard by Division Six on Fridays commencing at 8:30 a.m.

IT IS ORDERED beginning January 1, 2007, and until further order of this court, all
Motions to Review Conditions of Release shall be heard by Division Six on Fridays commencing
at 9:00 a.m.

1 IT IS ORDERED beginning January 1, 2007, and until further order of the presiding
2 judge, the administrative duties and responsibilities of calling and impaneling grand juries by the
3 Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in
4 addition to the presiding judge, be assigned to Division Two. Division Two shall assume the
5 primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior
6 Court judge in Yuma County.

7 Notwithstanding the foregoing judicial assignments, during the absence or
8 unavailability of any Superior Court Judge, another Superior Court Judge may be substituted in
9 his or her place.

10 IT IS ORDERED effective January 1, 2007, and until further order of the Presiding
11 Judge, the criminal calendars shall continue to be held as follows:

- 12 (1) Divisions One and Four on Tuesday and Thursday mornings commencing at 8:30
13 a.m.; and
14 (2) Divisions Two and Three on Wednesday and Friday mornings commencing at
15 8:30 a.m.

16 IT IS ORDERED that Law and Motion Day shall continue to be the first working day of
17 each week, with proceedings being held on that day unless otherwise set by the Judge assigned to
18 a particular case.

19 DATED this 14th day of December, 2006

20 

21 Honorable Andrew W. Gould
Presiding Judge

22 **Copies to:**

23 Hon. Tom C. Cole
24 Hon. John N. Nelson
25 Hon. Richard W. Donato
26 Hon. Andrew W. Gould
27 Hon. John Paul Plante
28 Hon. Larry Kenworthy
Hon. Kathryn Stocking-Tate
Hon. Denise D. Gaumont
Hon. Beverly Frame, Clerk of the Superior Court
Margaret Guidero, Court Administrator
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
Jose de la Vara, Yuma Legal Defender
Ronald F. Jones, Conflict Administrator
Jane E. Pray, Caseflow Manager